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26 and Elpida Memory (USA) Inc. and
on behalf of Counsel for Hynix, Micron,
27 NEC, Infineon, Mosel and Nanya Defendants
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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

4 In re DYNAMIC RANDOM ACCESS MEMORY
5 (DRAM) ANTITRUST LITIGATION,

6 Plaintiffs,

7 This Document Relates to:

8 STATE OF CALIFORNIA, et al.,

9 Plaintiffs,

10 v.

11 INFINEON TECHNOLOGIES AG, et al.,

12 Defendants.

13 This Document Relates to:

14 STATE OF NEW YORK,

15 Plaintiff,

16 v.

17 MICRON TECHNOLOGY, INC., et al.,

18 Defendants.

Case No. C-02-01486 PJH

[PROPOSED] ORDER RE
SEPTEMBER 7, 2007
HEARING

Case No. C-06-04333 PJH (JCS)

Case No. C-06-06436 PJH (JCS)

19 Pursuant to the Court's August 6, 2007 Order, a hearing and further discovery
20 conference in the above-captioned matters was held on September 7, 2007. Emilio E. Varanini
21 appeared on behalf of Plaintiff States, Charles Kagay of Spiegel Liao & Kagay LLP appeared on
22 behalf of Plaintiff State of California, and Richard L. Schwartz appeared on behalf of Plaintiff State
23 of New York. The following counsel appeared telephonically on behalf of Plaintiffs: Lizabeth
24 Leeds (State of Florida), John Tennis (State of Maryland), Blake Harrop (State of Illinois), Jeremy
25 Kasha (State of New York), Eli Friedman (State of Florida), Bart Dickinson (State of Arkansas), and
26 Mary Freeley (Commonwealth of Massachusetts).

[PROPOSED] ORDER RE SEPTEMBER 7, 2007 HEARING

C-02-01486 PJH

1 Steven H. Bergman of O'Melveny & Myers LLP appeared on behalf of the Hynix
2 defendants, G. Charles Nierlich of Gibson Dunn & Crutcher LLP appeared on behalf of the Micron
3 defendants, Isabelle A. Young of Simpson Thacher & Bartlett LLP appeared on behalf of the Elpida
4 defendants, David Brownstein of Heller Ehrman LLP appeared on behalf of the Mosel Vitelic
5 defendants, Jonathan Swartz of Thelen Reid Brown Raysman & Steiner LLP on behalf of the NEC
6 defendants, and Howard Ullman of Orrick Herrington & Sutcliffe LLP appeared on behalf of the
7 Nanya defendants. The following counsel appeared telephonically on behalf of Defendants: Josh
8 Stambaugh of Kaye Scholer LLP (Infineon) and Jane Chang of O'Melveny & Myers LLP (Hynix).

9 Having read the Joint Case Management Statement submitted by the parties on August 31,
10 2007, having heard the arguments of counsel, and for the reasons stated on the record, the Court
11 HEREBY ORDERS as follows:

12 **A. CONTENTION INTERROGATORIES**

13 1. **Not later than October 19, 2007**, the parties shall agree upon the timing of when
14 Plaintiffs shall provide Defendants with substantive responses to the contention interrogatories and
15 document requests.

16 **B. PLAINTIFFS' SURVEY**

17 1. Plaintiffs are ordered either to include as part of the survey the questions that
18 Defendants suggested for inclusion in the survey, and which Plaintiffs previously agreed to include,
19 or in the alternative, to provide interrogatory responses, document request responses, and documents
20 relating to those questions. Plaintiffs' request for costs has been denied without prejudice to
21 Plaintiffs making an application for costs at a later time. The Court takes no position on costs at this
22 time.

23 2. **Not later than October 1, 2007**, Plaintiffs shall distribute on a rolling basis, the
24 survey and/or related discovery requests (*see* Section B.1.) to the survey participants. Plaintiffs shall
25 serve Defendants with a copy of the survey and any related discovery requests at or about the time
26 that the survey and any related discovery requests are distributed to survey participants.

27 3. **Not later than October 1, 2007**, the parties shall meet-and-confer regarding the
28 production of the master data sets used to select survey participants and Plaintiffs shall produce the
agreed-upon master data sets to Defendants by such date.

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1 4. **Not later than October 19, 2007**, the parties shall meet-and-confer about the
2 production of the documents collected in the survey.

3 **C. DEPOSITIONS**

4 1. **Not later than September 14, 2007**, the parties shall agree on the identity of the
5 twenty (20) initial 30(b)(6) Multistate Plaintiff deponents, as well as the dates and locations for when
6 and where such depositions shall occur. However, to the extent that substitutions may need to be
7 made for the Kentucky, Maryland and Pennsylvania deponents previously agreed to by the parties,
8 the parties have until September 28, 2007 to agree on the substitutions as well as the dates and
9 locations for such depositions. A 30(b)(6) deponent or deponents for the State of New York shall
also be deposed.

10 2. The State of Arkansas shall be responsible for the travel costs of a 30(b)(6) witness
11 at the agreed-upon deposition location.

12 **D. DISCOVERY CONFERENCE**

13 The Court will conduct a further discovery conference on **October 19, 2007, at 9:30 a.m.**
14 The parties shall file a joint status report regarding such discovery, including all agreements reached
15 during any meet-and-confer sessions and all issues remaining from such meet-and-confer sessions,
16 **not later than October 12, 2007.**

17 IT IS SO ORDERED.

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19 Dated: September 17, 2007

